

LSK&D #: 163-8001 / 1070371

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JORDAN MANN,

Plaintiff,

-against-

PLUS ONE FITNESS; TRUMP WORLD
TOWERS "ROBERT" DOE; JOHN
HENRIQUES, JAMIE MACDONALD DOES 1-
10 Inclusive

Defendants.
-----X

Docket No.: 07 CV 5691
(NRB)

**NOTICE OF MOTION
UNDER RULE 37(b)(2)(A)
TO PRECLUDE OR
UNDER RULE 37(a) TO
COMPEL**

TO: LAW OFFICE OF UWEM UMOH
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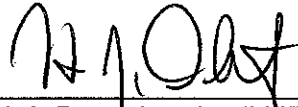
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RCG Suite, 26th Floor
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PLEASE TAKE NOTICE that, pursuant to Federal Rules of Civil Procedure 37, the defendants, BOARD OF MANAGERS OF TRUMP WORLD TOWER CONDOMINIUM, s/h/i as TRUMP WORLD TOWERS, and JOHN HENRIQUES, (henceforth "TRUMP Defendants") will move before the Hon. Naomi Reice Buchwald for an order under Fed. R. Civ. P. 37(b)(2)(A) to preclude, or under Rule 37(a) to compel. In support of their motion, the TRUMP Defendants will rely upon the accompanying Certification of Harold J. Derschowitz, Esq., and Memorandum of Law.

Dated: New York, New York
August 28, 2008

Respectfully submitted,

LESTER SCHWAB KATZ & DWYER, LLP



Harold J. Derschowitz (HJD-9910)
Attorneys for Defendants
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